

1900P55321WOUS
Benzing et al.REMARKS*Claim Status*

By way of the above amendment, claim 1 has been amended and claims 2-8 are in their previously presented form. No new matter has been added. Currently, claims 1-8 are pending.

Claim Rejections - §103

In paragraph 3, the Examiner rejected claims 1-7 under 35 USC §103 as being unpatentable over Burkart in view of Hirasawa. Applicants traverse.

The remarks presented in the response to the previous office action with respect to Burkart are repeated herein. The Examiner acknowledged that Burkart does not disclose a park position wherein the read/write contacts are disconnected from the chip card. To make up for the missing teachings, the Examiner has introduced Hirasawa. The Examiner referenced Hirasawa's discussion of its procedure in removing the chip card, namely reversing motor 3, ejecting card 21 thereby causing coil spring 165 to return arm 62 to which the IC contact block 61 is connected to a retreat position wherein the IC contact block is not in contact with the card. The Examiner reasoned that the time between the disconnection and the release of the card can be considered a park position wherein the chip card is disconnected from the read/write contacts.

As set out in the instant specification, the instant park position is one of three positions, the other two being a read/write and a removal position. The above referenced Hirasawa steps are similar to the instant removal position wherein the IC contacts are brought away from the card and the card removed. The park position is an intermediary position between the read/write and removal position wherein the card may be stored or maintained within the housing with the IC contacts not in contact with the card. This has the advantage of at least preventing damage to both due to vehicle vibrations as well as prolonging utility of both by obviating the ill effects of oscillation related wear. An additional advantage includes protection against tampering (see page 4, lines 11-28 in addition to passages cited in the previous response). Claim 1 has been amended to further highlight the park position's function of acting as a storage for the card within the housing.

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For at least the above reasons, claim 1 is considered allowable over the prior art of record and reconsideration and withdrawal of this rejection is respectfully requested.

In paragraph 4, the Examiner rejected claim 8 under 35 USC §103(a) as being unpatentable over Burkart in combination with Hirasawa and Shima. Applicants traverse.

As noted by the Examiner, Burkart does not teach the use of an electromagnet to bring the IC contacts into contact with the card. Hirasawa makes use of a single motor to both drive the card into and out of the holding device and bring the IC contacts into contact with the card. Hirasawa intentionally does not make use of a separate driving element for the IC contacts block so as to at least not increase the number of components, cost and size of the card reader (see col. 1, lines 46-62). Accordingly, Hirasawa teaches away from separate driving elements and would not be available as a §103 reference given its lack of motivation to one skilled in the art. Shima's single disclose of an electromagnet is in claim 9 which recites "the card reader-writer according to claim 7, wherein said urging means includes an actuator having an electromagnet". Accordingly, there is insufficient teaching and motivation within the two references to motivate one skilled in the art to use an electromagnet to raise and lower read/write contacts. In addition, claim 8 depends from claim 1 and the reasons for the latter's patentability over the prior art of record is incorporated herein. Reconsideration and withdrawal of the rejection is therefore respectfully requested.

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CONCLUSION

The present response is intended to correspond with the Revised Amendment Format. Applicants understand that with the Revised Amendment Format, the provisions of 37 CFR §1.121 are waived. Should any part of the present response not be in full compliance with the requirements of the Revised Amendment Format, the Examiner is asked to contact the undersigned for immediate correction.

In the event that the transmittal form is separated from this document and the Patent Office determines that an extension of time and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees in connection with the filing of this document to Deposit Account No.: 502464 referencing client reference: 1900P55321WOUS. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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